

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GERALD ADELMAN,

Plaintiff,

-V-

ING USA ANNUITY AND LIFE  
INSURANCE COMPANY,

Defendant.

Case No.: 08 C 195

Honorable Milton I. Shadur

Magistrate Judge Morton Denlow

## NOTICE OF MOTION

**TO:** David M. Smolin, Esq.  
BRANDWEIN & SMOLIN  
20 South Clark Street, Suite 410  
Chicago, IL 60603

**PLEASE TAKE NOTICE THAT**, on Monday, February 25, 2008, at the hour of 9:15 a.m., or as soon thereafter as counsel may be heard, the undersigned attorney of record for Defendant, ING USA ANNUITY AND LIFE INSURANCE COMPANY, shall appear before the Honorable Milton I. Shadur, or some other judge sitting in his place or stead, in Courtroom 2303 of the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, and then and there present **DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTION, MONETARY DAMAGES AND OTHER RELIEF**, a copy of which is attached hereto and served upon you herewith.

Dated: February 15, 2008

Respectfully submitted,

**DEFENDANT, ING USA ANNUITY  
AND LIFE INSURANCE COMPANY**

By: /s/ Thomas B. Keegan  
One of Defendant's Attorneys

Thomas B. Keegan, Esq.  
Edward W. Gleason, Esq.  
**KEEGAN, LATERZA,  
LOFGREN & GLEASON, L.L.C.**  
566 West Adams, Suite 750  
Chicago, Illinois 60661  
Telephone: (312) 655-0200

**CERTIFICATE OF SERVICE**

I, Thomas B. Keegan, an attorney, certify that I caused a true and accurate copy of the foregoing, **NOTICE OF MOTION**, to be filed electronically. Notice of this filing was sent to all counsel who are currently on the Court's Electronic Mail Notice List by operation of the Court's Electronic Filing System (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) this 15<sup>th</sup> day of February, 2008.

/s/ Thomas B. Keegan